

FILED

JUN 09 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

In re: UPLAND PARTNERS,

Debtor,

WILLIAM S. ELLIS, JR.,

Appellant,

v.

KESSNER DUCA UMEBAYASHI BAIN
& MATSUNAGA,

Appellee,

and

RICHARD B. EMERY; et al.,

Trustees.

No. 05-16698

D.C. No. 05-00170-SOM

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Susan Oki Mollway, District Judge, Presiding

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

05-16698

Submitted June 5, 2006 **

Before: CANBY, T.G. NELSON and KLEINFELD, Circuit Judges.

We have reviewed appellant's response to the order to show cause. This appeal is barred by the doctrine of *res judicata*. See *Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 322 F.3d 1064, 1077 (9th Cir. 2003).

AFFIRMED.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).